

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 26 2013

APPLICATION FOR EXCHANGE OF WATER

WATER RESOURCES
WESTERN REGION

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

1. INFORMATION ABOUT THE APPLICANT

Applicant Richard W Anderson Telephone No: 208-375-1185
(Name of Applicant)
9689 Gurdon Dr Boise Id 83704 Email: wildmemories@aol.com
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged # 61-2152

Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant _____ Telephone No: _____
(Name of Co-applicant)

(Mailing Address) (Zip Code) Email: _____

Co-applicant's Water Right(s) to be exchanged _____

Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. EXCHANGE AGREEMENT -- Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION -- Complete Part A or Part B to explain how the proposed exchange will operate.

Part A -- For an exchange involving two or more water right holders.

The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional points of diversion, if any: _____

In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

1. made available to the co-applicant for diversion at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.
Additional points of diversion, if any: _____

OR

2. released from storage by the co-applicant into _____ at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

SCANNED

APR 01 2014

Part B-- For an exchange involving only the applicant's water right(s).

The applicant proposes to divert 1.34 cfs and/or 272 acre feet per year of water at _____ 1/4 of _____ 1/4, Govt. Lot 7 Sec. 35 Township 5S Range 09E B.M., Elmore County. Additional points of diversion, if any: _____

In exchange for authorization to divert water as described above, 1.34 cfs and/or 272 acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

Will not divert from

1. ~~diverted from~~ _____ at SE 1/4 of NW 1/4, Govt. Lot _____ Sec. 36 Township 05S Range 09E B.M., Elmore County and injected into _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

OR

2. released from storage by the applicant into _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional Explanation – Attach additional sheets if necessary.

Water will be left in Little Canyon Creek at the Current PD to Flow into the Snake River approx. 1/4 mile downstream from the new proposed PD.

Exchange Will be Permanent.

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. _____

5. MAPS -- Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8 1/2"x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7 1/2-minute topographic quadrangles are preferred as base maps.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Mark R. Cushman / Angela Anderson
Applicant's Signature (and title if application is for an organization)

12/26/2013
Date

FOR DEPARTMENT USE ONLY

This exchange application contains _____ pages, including attachments.

Received by JA Date 12-26-13 Fee \$580

Receipted by JA Date 12-26-13 Receipt No. W041732

Preliminary review by _____

Published in _____

Publication dates _____

Protests filed by _____

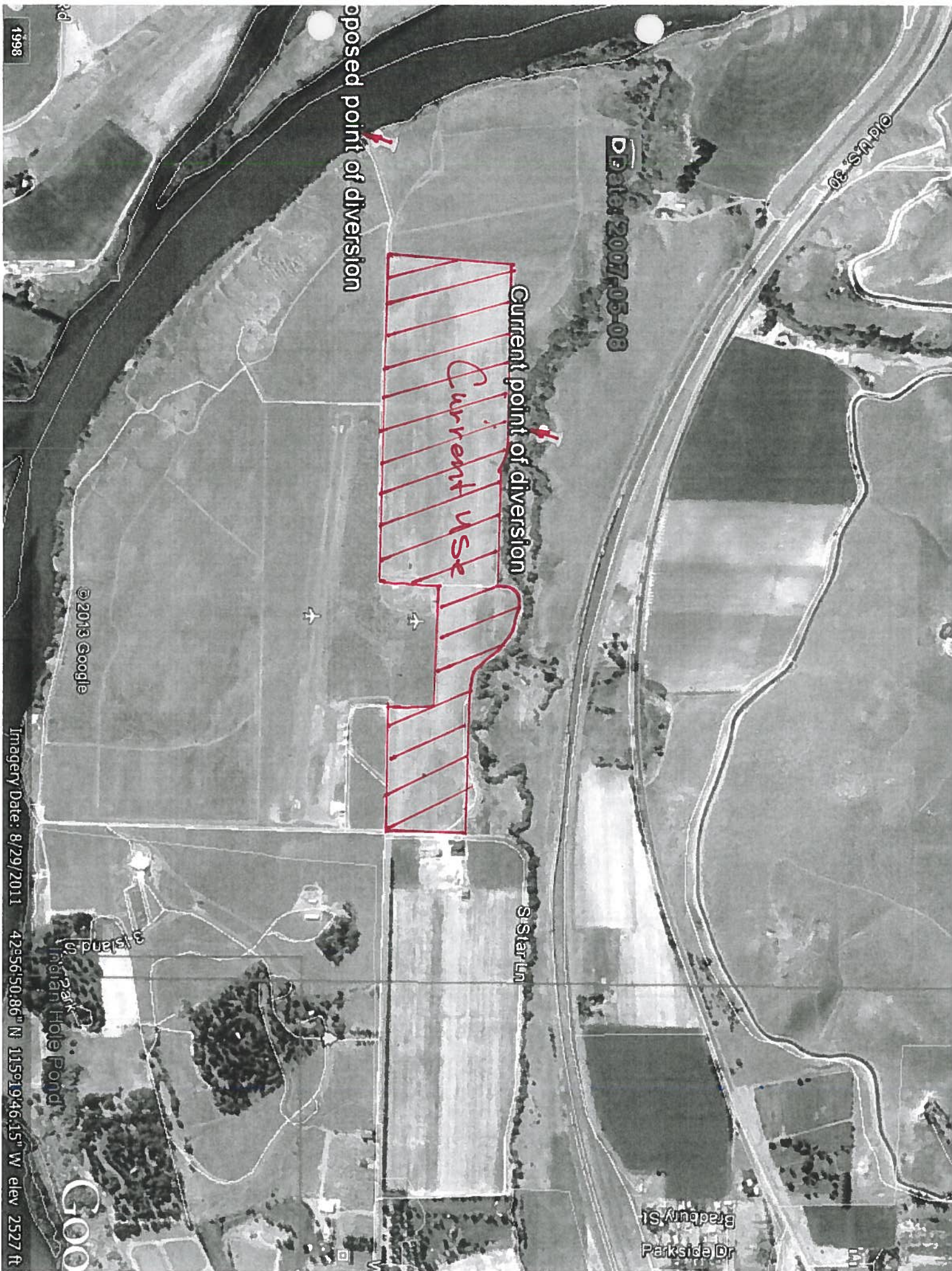
Copies of protests forwarded by _____

Watermaster recommendation requested on _____

Watermaster recommendation received on _____

Hearing held by _____ Date _____

Recommended for Approval _____ Denial _____ By _____



MARGARET M. LEZAMIZ ISB #2880
SCHROEDER & LEZAMIZ LAW OFFICES LLP
447 WEST MYRTLE
P.O. BOX 267
BOISE, IDAHO 83701
TELEPHONE: 208-384-1627, Ext. 3

Attorneys for Co-Petitioners

FILED
2013 AUG 21 AM 10:51
BARBARA STEELE
CLERK OF THE COURT
DEPUTY *JS*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

IN THE MATTER OF:	)	
	)	CASE NO. CV 2013-602
RICHARD W. ANDERSON,	)	
	)	LETTERS OF FULL GUARDIANSHIP
An Incapacitated Person.	)	AND FULL CONSERVATORSHIP
	)	(I.C. 15-5-304 and (I.C. 15-5-421)
	)	
	)	

MARK R. ANDERSON and **ANGELA S. ANDERSON** were duly appointed and qualified as co-guardians of the above-named incapacitated person and co-conservators of the estate of the above-named incapacitated person on the date set herein below by the Court, with all authority pertaining thereto.

These letters are issued to evidence the appointment, qualification, and authority of the said co-guardians and co-conservators.

The guardianship is a general guardianship, and the conservatorship is a general conservatorship.

WITNESS my hand and the seal of this Court this 21st day of August, 2013.

STATE OF IDAHO)
COUNTY OF ELMORE) ss
I hereby certify that the foregoing instrument is a
true and correct copy of the original on file in this
office.
August 21 2013
By *JS* Barbara Steele, CLERK
Deputy

JS **GEORGE G. HICKS**
HON. GEORGE G. HICKS
MAGISTRATE JUDGE

3/13/2014

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/13/2014

Water District Number: 61D
Mitigation Plan: False

Combined Use Limits
N/A

SubCase:
N/A

Water Supply Bank:
N/A

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, March 27, 2014 10:11 AM
To: 'SSWENSON@MOUNTAINHOMENEWS.COM'
Subject: Elmore Legal Ad
Attachments: Elmore Cover Letter.docx; Elmore Legal Ad.docx

Categories: Legal Ad Confirmed

Good Morning Stacy Swenson,

Please see the attached ad for publication on 4/2/2014 & 4/9/2014.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

March 27, 2014

LEGAL NOTICE DEPARTMENT
MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

RE: Application for Permit No. 61-2152

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/21/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following application has been filed to appropriate the public waters of the State of Idaho:

PROPOSED EXCHANGE OF WATER RIGHT

Richard W. Anderson of 9689 Gurdon Dr., Boise, ID, 83704, filed an application for exchange of Water Right No. **61-2152** with a 1965 priority date from Little Canyon Creek totaling 1.36 cfs. The right is diverted and used for irrigation purposes from March 15 through November 15 located on the south side of Little Canyon Creek, approximately 1 mile northwest of Three Island Crossing State Park, 2 miles southwest of Glenns Ferry and 0.7 miles north of the Snake River.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 4/21/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/2/2014 and 4/9/2014

Walker, Kay

From: Walker, Kay
Sent: Tuesday, March 25, 2014 10:19 AM
To: Mark Anderson (markanderson)
Cc: Walker, Kay
Subject: RE: Application for Exchange of water

Mr. Anderson:

I have placed your exchange application in the basket to be advertised. It should be advertised the 1st and 2nd weeks of April, on Wednesday in the Elmore county newspaper. The last date of protest should be April 21st. This should work well with the SRBA Court's hearing on April 15th. Once the Court has finalized their process and the advertising is completed, if there are no protests, we should be able to complete the action on your exchange.

Hope this information is helpful.

Sincerely,

Kay Walker

Sr. Water Resource Agent

334-2190

From: Mark Anderson (markanderson) [<mailto:markanderson@micron.com>]
Sent: Monday, March 24, 2014 4:31 PM
To: Walker, Kay
Cc: Mark Anderson (markanderson)
Subject: RE: Application for Exchange of water

Hi Kay,

Kay we are curious of the status of our application and if you can provide any further update from the one below.

Looking forward to an update if one is available.

Best Regards,

Mark Anderson

From: Walker, Kay [<mailto:Kay.Walker@idwr.idaho.gov>]
Sent: Friday, February 28, 2014 1:58 PM
To: Mark Anderson (markanderson)
Cc: Walker, Kay
Subject: RE: Application for Exchange of water

Mr. Anderson:

I received your application for exchange for review on February 20 and have not had a chance to look at it yet. I do see that the SRBA court is working to make corrections to the partial decree. There is a hearing scheduled on April 15th at 1:30 pm at the SRBA Court in Twin Falls. I am unsure if we will have to wait until the partial decree is fixed before we can process the exchange or not. Once I review the application and discuss with my supervisor I will know what we can and cannot do. I will try to keep you informed of what is going on. Please feel free to contact me if you have further questions.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
334-2190

From: Mark Anderson (markanderson) [<mailto:markanderson@micron.com>]
Sent: Friday, February 28, 2014 8:50 AM
To: Grimm, Angie
Cc: Mark Anderson (markanderson)
Subject: Application for Exchange of water

Hi Angie,

Hope all is well with you. I was wondering if you have the ability to give me an update on the status of the application for exchange (point of diversion) filed December 26th for water right # 61-2152. If it has been reviewed yet, when it may be published ?? if you can find out?

Thanks for your help!

Mark Anderson

Walker, Kay

From: Mark Anderson (markanderson) [markanderson@micron.com]
Sent: Friday, February 28, 2014 2:20 PM
To: Walker, Kay
Cc: Mark Anderson (markanderson); 'GEORGIA ANDERSON'
Subject: RE: Application for Exchange of water

Kay,

Thank you for your reply and explanation of the status with our application. I am looking forward to hearing from you in the future with progress hopefully.

Sincerely,

Mark Anderson

From: Walker, Kay [<mailto:Kay.Walker@idwr.idaho.gov>]
Sent: Friday, February 28, 2014 1:58 PM
To: Mark Anderson (markanderson)
Cc: Walker, Kay
Subject: RE: Application for Exchange of water

Mr. Anderson:

I received your application for exchange for review on February 20 and have not had a chance to look at it yet. I do see that the SRBA court is working to make corrections to the partial decree. There is a hearing scheduled on April 15th at 1:30 pm at the SRBA Court in Twin Falls. I am unsure if we will have to wait until the partial decree is fixed before we can process the exchange or not. Once I review the application and discuss with my supervisor I will know what we can and cannot do. I will try to keep you informed of what is going on. Please feel free to contact me if you have further questions.

Sincerely,

KAY WALKER

Sr. Water Resource Agent

334-2190

From: Mark Anderson (markanderson) [<mailto:markanderson@micron.com>]
Sent: Friday, February 28, 2014 8:50 AM
To: Grimm, Angie
Cc: Mark Anderson (markanderson)
Subject: Application for Exchange of water

Hi Angie,

Hope all is well with you. I was wondering if you have the ability to give me an update on the status of the application for exchange (point of diversion) filed December 26th for water right # 61-2152. If it has been reviewed yet, when it may be published ?? if you can find out?

Thanks for your help!

Mark Anderson